

Alteration of U.S. Army Corps of Engineers Civil Works Projects: February 5th Federal Register Notice Proposing Engineer Circular



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The United States Army Corps of Engineers (“Corps”) issued a February 5th Federal Register notice proposing to issue an Engineer Circular (“EC”) related to the policies and procedures for processing certain requests to alter civil works projects. See 83 Fed. Reg. 5075.

Section 14 of the Rivers and Harbors Act of 1899 provides that the Secretary of the Army (“Secretary”) may:

... upon the recommendation of the Chief of Engineers, grant permission to other entities for the permanent or temporary alternation or use of any USACE Civil Works project.

The Secretary is required to ensure that the requested alteration will not be injurious to the public interest or impair the usefulness of the Corps project.

The EC being proposed is designated 1165-2-220, Policy and Procedural Guidance for Processing Requests to Alter U.S. Army Corps of Engineers Civil Works Projects. It is stated to be an update of processes related to how the Corps will review certain requests by others to alter a Corps Civil Works project. The Corps cites as an example:

... other entities may want to alter a Civil Works project to increase recreational opportunities; improve flood risk management; or construct a road, transmission line, or pipeline across a Civil Works project.

The purpose of a Section 408 (codification of Section 14) request is stated to be ensuring that the Congressionally-authorized purpose and benefits of a project are protected and maintained (e.g., flood risk management, navigation, coastal storm damage reduction) and that what is being proposed is not injurious to the public interest.

[A copy of the Federal Register notice can be downloaded here.](#)